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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,106

08/17/2006

Toshiya Takahashi

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54072 7590 06/15/2009

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EXAMINER

OLSEN, LIN B

ART UNIT

PAPER NUMBER

3661

NOTIFICATION DATE

DELIVERY MODE

06/15/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JKEATING@KBIPLAW.COM  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/598,106	<b>Applicant(s)</b> TAKAHASHI ET AL.	
	<b>Examiner</b> LIN B. OLSEN	<b>Art Unit</b> 3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6,8,9 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8 and 9 is/are rejected.
- 7) ☐ Claim(s) 2,6 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims **1, 8 and 9** are objected to because of the following informalities: In each of these claims, a door state detection sensor or action is explicitly claimed and then when the condition for capturing an image is claims the same conditions are recited again. This leads to confusion as to whether the same condition is detected or whether a different condition is being detected. The Examiner suggests that the image capture element refer back to the door state detection element in order to clarify that the same condition is meant. Further, the conditions recited includes detecting the unlocking of a door and/or an opening or a closing of a door (which examiner believes has 5 combinations), the Examiner suggest that in combination with removing the 35 USC 112 2<sup>nd</sup> paragraph rejection below, the intended combinations be delineated such as by a Markush group. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim **1,8, 9** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The inclusion of the structure “and/or” in these claims renders them indefinite because it is unclear which combination of actions satisfies the limitation.

***Response to Amendment***

The amendments submitted on February 5, 2009 have been entered.

***Response to Arguments***

Applicant's arguments and amendments, see pages 5-10, filed February 5, 2009 with respect to claims 1-2, 6, 8-9, and 13 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

***Allowable Subject Matter***

**Claims 1, 8 and 9** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

**Claims 2, 6 and 13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the amendments to overcome the rejections of the base claim and the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: None of the cited prior art recites the limitations of the claims of the application. No reasonable combination of the cited prior art matches the feature of capturing an image based on one of: opening a door, closing a door, unlocking a door, unlocking and opening a door and unlocking and closing a door. None of the cited prior art or combination of cited prior art teaches a surroundings exhibiting system for use in a vehicle that comprises: an image capturing section arranged to capture a multi-

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directional image of the surroundings of the vehicle; a display section arranged to display at least a portion of the multi-directional image captured by the image capturing section; a door sensor arranged to detect a combination selected from unlocking of a door, an opening or closing of the door; and an ignition instruction detection sensor arranged to detect an operator's ignition instruction to the transportation device. These sections combined so that the image capturing section captures an image in synchronization detection by the door sensor and the display section displays the image captured by the image capturing section in synchronization with the triggering of the ignition instruction detection sensor to show the operator the surroundings of the vehicle while in a stopped state.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. While all the prior art on form 892 is pertinent, the examiner calls applicant's attention to U.S. Patent Pub. No. 2003/0090570 to Takagi – especially the third embodiment that provides views for a vehicle starting from a stop. The client's attorney was contacted, but could not authorize an examiner's amendment at his time to put the application in condition for allowance. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN B. OLSEN whose telephone number is (571)272-9754. The examiner can normally be reached on Mon - Fri, 8:30 -5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin B Olsen/  
Examiner, Art Unit 3661

/Thomas G. Black/  
Supervisory Patent Examiner, Art Unit 3661